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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/527,000	08/05/2005	Clemente Jesus Sanchez Velasco	P/189-374	9409

2352 7590 01/06/2009
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EXAMINER	
VANAMAN, FRANK BENNETT	
ART UNIT	PAPER NUMBER
3618	
MAIL DATE	DELIVERY MODE
01/06/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/527,000	SANCHEZ VELASCO, CLEMENTE JESUS	
	Examiner	Art Unit	
	Frank B. Vanaman	3618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *22 September 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *7-12* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *7-12* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Status of Application

1. Applicant's amendment, filed Sept 22, 2008 has been entered in the application. Claims 7-12 are pending, with claims 1-6 now canceled.

Claim Rejections - 35 USC § 103

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 7-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eberhard (US 290,759, cited previously) in view of Ross, Jr., et al (US 6,253,609). Eberhard teaches a metal rolling platform which has been made by assembly, having a support base with an upstanding circular crown (at top of 'b') the platform having a shallow cupel shape as best understood, demarcated by a circular groove or recess (underside of "b" figure 2), and the groove being characterized by the two respective slopes (e.g., under the outer lip and under the transition from 'b' to the lower portion in which 'a' is formed) each with a slope angle substantially identical, with respect to vertical, with each other, and a central circular hole (proximate 'a', figure 1), the groove having an inner circular area defined by an outer diameter (at the 'base' of the groove, under the top most portion of the crown) and an inner diameter (meeting of the incline and the lower flat portion), wherein the width of the circular area (i.e., from the inner to outer diameters) being at least 12% of the outer diameter (in this case, it is illustrated as being greater than 12%); and at least three casters ('e').

The reference to Eberhard fails to specifically teach the central hole as being a diameter of about half the diameter of the base. It is well known to adjust the relative sizes of containers and carrying carts for the purpose of ensuring a fitting engagement there-between, and as such, it would have been obvious to one of ordinary skill in the art at the time of the invention to size the hole ('a') to be about ½ the diameter of the base, for the purpose of adjusting the platform to accommodate a desired sized object, and/or to further advantageously use a smaller quantity of material (i.e., by enlarging the size of the hole 'a') thus beneficially lightening the platform.

Eberhard fails to explicitly teach the provision of at least four casters, however it is well within the skill of the ordinary practitioner to adjust the number of rolling elements

on a platform, and as such, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide at least four casters for the purpose of supporting less weight with each caster and/or improving the balance distribution of the platform.

Eberhard fails to specifically teach the container with which the platform is to be used, however initially, Eberhard explicitly does teach that a container is envisioned to be used with the platform (page 1, lines 8-10). Ross teaches that it is well known to provide a container having a receptacle (internally of 22), with a lower convex base portion (28) and a peripheral ring portion (not specifically referenced, attached to the lower surface of 28) with the enclosed portion of the convex base having a vertical span of 2/3 the height of the ring portion (note figure 1). In view of the sloped internal arrangement taught by Eberhard, and the matingly sloped convex curvature illustrated by Ross, Jr., et al it would have been obvious to one of ordinary skill in the art at the time of the invention to use a container such as taught by Ross with a convex lower-face profile for the purpose of mating with the profile of the platform, further it would have been obvious to one of ordinary skill in the art at the time of the invention to size the container and platform such that the convex curvature of the container bottom fits the platform, and as such the maximum outer diameter of the platform would expectedly be smaller than the peripheral ring (so as to appropriately accommodate the convex portion in the recessed are provided by the platform. While Eberhard and Ross, Jr., et al. do not teach a specific size relationship between the ring and the platform, it would have been obvious to one of ordinary skill in the art at the time of the invention to size the platform to approximately 10% less than the ring size so as to accommodate the convex portion of the container on the platform while preventing it from being removed from the platform by sliding (e.g., in that an inner surface of the ring would contact an outer surface of the platform, beneficially maintaining the container on the platform.

The reference to Ross, Jr., et al. fails to explicitly teach the width to rise of the lower base portion as being less than 5.25, however when a general condition is taught (e.g., a relatively large width to a relatively small rise, see Ross, Jr., et al. at figure 1) it is understood to be within the skill of the ordinary practitioner to adjust a profile of a container for numerous reasons, such as for controlling internal force distribution,

amount of material carried (i.e., volume), and/or center of gravity/center of motion of the container. As such, it would have been obvious to one of ordinary skill in the art at the time of the invention to adjust the width-to-rise of the convex portion of the container taught by Ross, Jr., et al. to be less than 5.25 so as to optimize or adjust internal force distribution, container volume, and/or center of gravity/center of motion of the container.

The reference to Eberhard as modified by Ross, Jr., et al. fails to teach the specific method steps of placing the container in and removing the container from the platform, however it would have been obvious to one of ordinary skill in the art at the time of the invention to attach and remove the container by a tilting onto the platform, causing an engagement between a convex container portion and the base and central aperture of the container, with the platform pivoting (e.g., in view of the wheels) from a horizontal condition until the container is placed thereon, for the purpose of allowing a container too heavy to lift to be placed on and removed from the platform.

Response to Comments

4. Applicant's comments, filed with the amendment, have been carefully considered. As regards the application of the reference to Eberhard by itself against the previously pending claims, the examiner agrees that the reference to Eberhard does not, on its own, teach all the limitations of the claims as now amended. Note the reference to Ross, Jr., et al., now applied in combination.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry specifically concerning this communication or earlier communications from the examiner should be directed to F. Vanaman whose telephone number is 571-272-6701.

Any inquiries of a general nature or relating to the status of this application may be made through either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A response to this action should be mailed to:
Mail Stop _____
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450,
Or faxed to:
PTO Central Fax: 571-273-8300

F. VANAMAN
Primary Examiner
Art Unit 3618

/Frank B Vanaman/
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